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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/783,864	02/23/2004	Manfred Ueberschar	VOI0211.US	7576												
7590 Todd T. Taylor Taylor & Aust, P.C. 142 S Main St. P.O. Box 560 Avilla, IN 46710		04/03/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">BAREFORD, KATHERINE A</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>1762</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>04/03/2007</td><td>PAPER</td></tr></table>		EXAMINER		BAREFORD, KATHERINE A		ART UNIT	PAPER NUMBER	1762		MAIL DATE	DELIVERY MODE	04/03/2007	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/783,864

Applicant(s)

UEBERSCHAR ET AL.

Examiner

Katherine A. Bareford

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 24-45.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.


REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: the proposed amendment to the last two lines of independent claim 24 raise ~~new~~ issues that would require further consideration and/or search by the Examiner, because "said first curtain and said second curtain maintaining said pressure differential along said first curtain and said second curtain to said material web" was not previously required by the claims. Furthermore, this proposed amendment raises the issue of new matter because the disclosure as originally filed does not indicate that the first and second curtains maintain the pressure differential as newly claimed.

Continuation of 5. Applicant's reply has overcome the following rejection(s): the 35 USC 112 rejection of claim 44 only, based on applicant's showing as to the meaning of the term grammage in the claim. the 35 USC 103 rejections are maintained as discussed in Box 11 below.

Continuation of 11. does NOT place the application in condition for allowance because: (1) as to the 35 USC 112 rejection of claim 44, this rejection is withdrawn for the reasons discussed in Box 5 above (2) As to the 35 USC 103 rejections of the claims, these rejections are maintained for the reasons given in the Final Rejection of Feb. 12, 2007, because the proposed amendment has not been entered for the reasons given in Box 3 above, and applicant's arguments are directed at the claims as proposed to be amended. Also, the Examiner notes that applicant refers to benefits from having curtains that extend all the way to the material web to seal in pressure, however, the curtains shown in Finnicum and Nakamura are both shown extending all the way to the web (they would have to extend to the web in order to coat the web). (3) As to applicant's argument on page 11 of the Remarks that new grounds of rejection were not necessitated by the amendments of Dec. 27, 2006, thus making it improper to provide a Final Rejection, the Examiner disagrees. The sole new ground in the Final Rejection was the 35 USC 112 rejection of claim 44 based on the amendment to claim 44 made Dec. 27, 2006. Since the 35 USC 112 rejection was made based on the wording of the claim as amended, it was necessitated by the amendment of Dec. 27, 2006 and therefore, it was entirely proper to make the Feb. 12, 2007 Office Action Final..


KATHERINE BAREFORD
PRIMARY EXAMINER